



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Agenda CITY COUNCIL

R. Steve Tumlin, Mayor
Cheryl Richardson, Ward 1
Grif Chalfant, Ward 2
Johnny Walker, Ward 3
G. A. (Andy) Morris, Ward 4
Reggie Copeland, Ward 5
Michelle Cooper Kelly, Ward 6
Joseph R. Goldstein, Ward 7

Wednesday, May 13, 2020

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council Member Andy Morris, Ward 4

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

PROCLAMATIONS:

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:

SCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

* **20200357 Regular Meeting - April 6, 2020**

Review and approval of the April 6, 2020 regular meeting minutes.

* **20200359 Special Meeting - April 28, 2020**

Review and approval of the April 28, 2020 special meeting minutes.

MAYOR'S APPOINTMENTS: (for informational purposes only)

CITY COUNCIL APPOINTMENTS:

* **20200332 Board of Zoning Appeals Appointment (Ward 6)**

Reappointment of Bobby Van Buren to the Board of Zoning Appeals (Ward 6), for a three-year term expiring May 13, 2023.

Bobby Van Buren has served six years on the Board of Zoning Appeals.

* **20200334 Marietta Historic Board of Review Reappointment (Ward 3)**

Reappointment of Rebecca Nash Paden to the Marietta Historic Board of Review (Ward 3), for a two-year term, expiring May 13, 2022.

Rebecca Nash Paden has served four years on the Marietta Historic Board of Review.

* **20200335 Historic Board of Review Appointment at Large**

Reappointment of Johnny Walker to the Marietta Historic Board of Review for the City Council At Large Appointment for a two-year term, expiring May 13, 2022.

20200333 Board of Zoning Appeals Appointment (Ward 5)

Consideration of an appointment to the Board of Zoning Appeals (Ward 5), for a three-year term, expiring May 13, 2023.

ORDINANCES:

20200077 Z2020-10 [REZONING] 20 HOLDINGS, LLC

Z2020-10 [REZONING] 20 HOLDINGS, LLC is requesting the rezoning of 4.2 acres located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia, and being known as 1501 & 1521 Sandtown Road from R-20 (Single Family Residential - Cobb County) to PRD-SF (Planned Residential Development - Single Family) in the City. Ward 3A.

The Planning Commission on March 3, 2020 recommended approval as stipulated.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as stipulated. The motion carried 7-0-0.

If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

Stipulations:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated March 10, 2020.

Applicant must comply with noise attenuation construction requirements as identified in the letter from Kenneth W. Williams, Base Civil Engineer, Dobbins ARB to Rusty Roth, Development Services Director for the City of Marietta, dated March 2, 2020.

Public Hearing (all parties are sworn in)

20200078 A2020-02 [ANNEXATION] 20 HOLDINGS, LLC

A2020-02 [ANNEXATION] 20 HOLDINGS, LLC is requesting the annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, Georgia and being known as 1501 & 1521 Sandtown Road, and any associated right of way, consisting of approximately 4.2 acres. Ward 3A.

The Planning Commission on March 3, 2020 recommended approval.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

20200079 CA2020-02 [CODE AMENDMENT]

CA2020-02 [CODE AMENDMENT] In conjunction with the requested annexation of property located in Land Lots 208 & 209, District 17, Parcels 0010 & 0810 of the 2nd Section, Cobb County, and being known as 1501 & 1521 Sandtown Road, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 3A.

The Planning Commission on March 3, 2020 recommended approval.

Mr. Diffley made a motion, seconded by Mr. McClure to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

20200073 Z2020-09 [REZONING] TRATON, LLC

Z2020-09 [REZONING] TRATON, LLC is requesting the rezoning of 6.7 acres located in located in Land Lots 863 & 866, District 16, Parcels 0030, 0040, & 1090 of the 2nd Section, Cobb County, Georgia, and being known as 1468 & 1540 Cobb Parkway North and 1497 Hamilton Grove Boulevard from MXD (Mixed Use Development - City) and GC (General Commercial - County) to MXD (Mixed Use Development) in the City. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Diffley to recommend approval including the letter of stipulations from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations would be incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020.

Public Hearing (all parties are sworn in)

20200074 A2020-01 [ANNEXATION] TRATON, LLC

A2020-01 [ANNEXATION] TRATON, LLC is requesting the annexation of property located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North consisting of approximately 3.42 acres. Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

20200075 CA2020-01 [CODE AMENDMENT]

CA2020-01 [CODE AMENDMENT] In conjunction with the requested annexation of property located in located in Land Lot 866, District 16, Parcel 0030 of the 2nd Section, Cobb County, Georgia and being known as 1468 Cobb Parkway North, the City of Marietta proposes to designate the Future Land Use of said property as MDR (Medium Density Residential). Ward 4B.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval as submitted. The motion carried 6-0-0. Mr. Davis was inaudible.

Public Hearing (all parties are sworn in)

20200156 Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN

Z2020-12 [REZONING] RICHARD W. JANTZEN, III & MARY ASHLEY JANTZEN are requesting the rezoning of 0.4 acres located in Land Lot 1147, District 16, Parcel 0080 of the 2nd Section, Cobb County, Georgia, and being known as 90 Stewart Avenue from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an increase in density. Ward 4A.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Ms. McCrae to recommend approval including variances 1-6 and noting that variance 2 was corrected to be 25' to 24' rather than 25' to 0'. The motion carried 6-0-0. Mr. Davis was inaudible.

If Council approves the rezoning, the following variances would be incorporated as conditions of zoning:

- 1. Variance to reduce the side setback for an existing structure from 10' to 0' for Tract 1 [§708.04 (H)]*
- 2. Variance to reduce the front setback for an existing structure from 25' to 24' for Tract 1 [§710.14] & [§708.04 (H)]*
- 3. Variance to reduce the lot width for a property zoned R-4 from 75' to 59' for Tract 1 [§708.04 (H)]*
- 4. Variance to reduce the lot width for a property zoned R-4 from 75' to 51' for Tract 2 [§708.04 (H)]*
- 5. Variance to increase the density from 4 units/acre to 4.78 units/acre for the construction of two homes on 0.418 acres. [§708.04 (H)]*
- 6. Variance for the existing sidewalk to remain as is in lieu of improving it to a 5-foot-wide sidewalk with 2-foot landscape strip. [§732.07 (C)]*

Public Hearing (all parties are sworn in)

20200169 Z2020-14 [REZONING] WILLIAM C. HAGEMANN

Z2020-14 [REZONING] WILLIAM C. HAGEMANN is requesting the rezoning of 5.25 acres located in Land Lots 214 & 215, District 17, Parcels 1180, 1120, 1140, and 1150 of the 2nd Section, Cobb County, Georgia, and being known as 84, 88, 100 & 150 Fairlane Drive from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. McClure made a motion, seconded by Mr. Hunter to recommend approval including the letter of stipulations from Mr. Rozen dated 4/23/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from Adam J. Rozen, PC to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated April 23, 2020.

Public Hearing (all parties are sworn in)

20200170 Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE)

Z2020-15 [REZONING] INLINE COMMUNITIES, LLC (DENNIS L. & MARTHA W. MOORE) are requesting the rezoning of 6.42 acres located in Land Lots 140 & 141, District 17, Parcels 0030 & 0730 of the 2nd Section, Cobb County, Georgia, and being known as 881 & 887 Powder Springs Street from R-2 (Single Family Residential - 2 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 2B.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Anderson to recommend approval including the letter of stipulation from Mr. Moore dated 5/1/20. The motion carried 6-0-0. Mr. Davis was inaudible. If Council approves the rezoning, the following stipulations and variances would be incorporated as conditions of zoning:

Letter of stipulations and variances from J. Kevin Moore of Moore Ingram Johnson & Steele to Shelby Little, Planning & Zoning Manager for the City of Marietta, dated May 1, 2020.

Public Hearing (all parties are sworn in)

20200290

Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL**Z2020-16 [REZONING & SPECIAL LAND USE PERMIT] SAINT JOSEPH CATHOLIC SCHOOL**

is requesting the rezoning of 8.9 acres located in Land Lot 1086, District 16, Parcels 0010, 0450, 0460, 0370, 0220, 0210, 0230, & 0240 of the 2nd Section, Cobb County, Georgia, and being known as 589 Campbell Hill Street, 543 & 555 Sugar Hill Drive, 558 Saint Joseph Way, 95 & 105 Lacy Street, and 570 & 574 Nancy Street from OI (Office Institutional) and R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with a Special Land Use Permit for a place of assembly. Ward 4B.

The Planning Commission recommends approval as Stipulated.

Mr. Anderson made a motion, seconded by Mr. Diffley to recommend approval as submitted with the stipulation that the proposed retaining wall and black chain link fence is limited to around the recreation area and not allowed near adjacent residential properties. The motion carried 6-0-0. Mr. Davis was inaudible.

If Council approves the rezoning with the special land use permit, the following stipulations and variances would be incorporated as conditions of zoning:

Stipulations:

- 1. Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.*
- 2. The new 12' chain link fence and 10' retaining walls only be allowed in the new recreation area and not adjacent or near any adjacent residential property.*

Variances:

- 1. Variance to reduce the required 75-foot setback for the restroom/storage building to no less than 49 feet from a property not owned by the Church. [§708.04 (E)]*
- 2. Variance to reduce the planted border area on Nancy Street and Lacy Street from 10 feet to 7 feet. [§712.08 (G.2.a)]*
- 3. Variance to increase the impervious surface from 50% to 60%. [§708.04 (H)]*
- 4. Variance to allow parking in the front yard. [§716.08 (C.8)]*
- 5. Variance to allow a curb cut to be 10 feet from the property line instead of the required twenty (20) feet. [§716.02 (B)]*
- 6. Variance to reduce the minimum turning radii from 25 feet to 10 feet. [§730.01 (I.3.b)]*
- 7. Variance to allow a black vinyl chain link fence as an approved material seen from the road. [§710.04 (B)]*
- 8. Variance to increase the allowable fence height from 6 feet to 12 feet, as shown on plans. [§710.04 (D)]*

The following variances and stipulations should be carried over from Z2009-01 Special Land Use Permit to keep the property in compliance:

- 1. Any exterior property changes that include the addition of occupiable space must be submitted back to the Planning Commission and City Council for site plan review which would include any buffer requirements.*
- 2. Variance to allow a fence exceeding 4 feet in height and chain link in composition along St. Joseph Way, Nancy Street, and Lacy Street.*
- 3. Variance to reduce the required 75-foot setback to 15 feet for property located at 543 Sugar Hill Drive.*
- 4. Variance to reduce required parking for a place of assembly and an elementary school from 252 to 242 spaces.*
- 5. Variance to allow more than 12 parking spaces in a row without a planter island.*
- 6. Variance to allow continued use of the curb cuts on Sugar Hill Drive and St. Joseph Way, both residential streets.*

Public Hearing (all parties are sworn in)

20200295 Z2020-17 [REZONING] MICHAEL LANGSTON

Z2020-17 [REZONING] MICHAEL LANGSTON is requesting the rezoning of approximately 0.2 acres located in Land Lot 1159, District 16, Parcel 0350, 2nd Section, Marietta, Cobb County, Georgia, and being known as 268 Church Street from R-4 (Single Family Residential - 4 units/acre) to OIT (Office Institution Transitional). Ward 3A.

The Planning Commission recommends approval as Stipulated.

Mr. Diffley made a motion, seconded by Mr. Hunter to recommend approval with the stipulation that the exterior of the building and grounds to be brought up to code within three (3) months. The motion carried 4-3-0. Mr. Anderson, Mr. Davis and Mr. McClure opposed.

If Council approves the rezoning, the following stipulation and variances would be incorporated as conditions of zoning:

Stipulation:

The exterior of the property be brought into compliance within three (3) months.

Variances:

- 1. Variance to reduce the minimum lot size from 10,000 square feet to 8,700 square feet. [§708.21 H]*
- 2. Variance to reduce the minimum lot width from 75' to 60'. [§708.21 H]*
- 3. Variance to increase the allowable Floor Area Ratio from 0.3 to 0.35. [§708.21 H]*
- 4. Variance to increase the allowable impervious surface from 50% to allow the existing conditions remain as-is. [§708.21 H]*
- 5. Variance to reduce the side yard setback along the north side from 15' to 8.5'. [§708.21 H]*

Public Hearing (all parties are sworn in)

20200296 Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC

Z2020-18 [REZONING] NORTH MARIETTA PARKWAY LLC is requesting the rezoning of approximately 2.5 acres located in Land Lots 1141 & 1142, District 16, Parcels 0230, 0900, 0100, 0030, 0040, 0680, 0100, & 0790, 2nd Section, Marietta, Cobb County, Georgia, and being known as 708, 732, 734, 750, 770, 780, & 790 North Marietta Parkway from OI (Office Institutional), R-4 (Single Family Residential - 4 units/acre), and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). Ward 5B.

The Planning Commission recommends approval.

If Council approves the rezoning, the following stipulation would be incorporated as a condition of zoning:

City support of two curb cuts, which may include the penetration of a concrete wall, to serve the property with final approval to be presented to the Georgia Department of Transportation.

Public Hearing (all parties are sworn in)

20200234 CA2020-03 [CODE AMENDMENT] PROPOSED AMENDMENT TO DIVISION 706, NONCONFORMING USES

CA2020-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 706, Nonconforming Uses.

The Planning Commission recommends Approval.

Mr. Diffley made a motion, seconded by Ms. McCrae, to recommend approval as submitted. The motion carried 7-0-0.

Public Hearing (all parties are sworn in)

RESOLUTIONS:**CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:**

1. Economic/Community Development: Johnny Walker, Chairperson*** 20200349 CDBG Citizen Participation Plan Amendment**

Motion approving the amendments to the CDBG Citizen Participation Plan to address new CDBG COVID-19 funds.

2. Finance/Investment: Joseph R. Goldstein, Chairperson*** 20200368 Modification of Lease Agreement**

Motion approving the fourth modification of the lease agreement with the Marietta Leasehold L.P. / Remington Hotel Management.

Council member Goldstein opposed.

3. Judicial/Legislative: G. A. (Andy) Morris, Chairperson*** 20200160 Residential Infill Development Overlay District**

Motion to authorize advertisement for proposed amendments to Section 712.11.

20200353 Revised Detailed Plan - 218 & 234 Roswell Street

Motion to approve the request by Tanalta Real Estate to modify the plan for the two office buildings at the corner of Meeting Street and Roswell Street. Modifications include enclosing four of the parking spaces at 218 Roswell Street and adding a 4th floor to the building at 234 Roswell Street. The 4th floor of the building at 234 Roswell Street will be for two residential condos only.

Public Hearing Required

4. Parks, Recreation and Tourism: Michelle Cooper Kelly, Chairperson**5. Personnel/Insurance: Cheryl Richardson, Chairperson****6. Public Safety Committee: Reggie Copeland, Chairperson****7. Public Works Committee: Grif Chalfant, Chairperson**

* **20200346 Colston Road Traffic Calming**

Motion authorizing Public Works to conduct a speed study on Colston Road and report the results of this study back to Council for final consideration of reducing the posted speed limit to 25 MPH.

* **20200369 Coryell Street and Alexander Circle Street Parking**

Motion authorizing a no parking zone to be installed along the following streets: Coryell Street from Roswell Street to Chester Street (both sides of street); Lakewood Drive from Roswell Street to Chester Street (both sides of street); and along the west side of Alexander Circle from Frasier Street to Phillips Drive.

* **20200341 Title VI Program Documents**

Motion approving the Title VI Nondiscrimination Agreement and Assurances between the City of Marietta and the Georgia Department of Transportation for compliance with 23 CFR Part 200, Title VI of the Civil Rights Act of 1964, along with approval of the City of Marietta Title VI Policy and DBE Policy statements. Additionally, this motion appoints the Director of Human Resources and Risk Management as the City of Marietta Title VI Coordinator.

OTHER BUSINESS:

20200037 V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC

V2020-09 [VARIANCE] CARLSON CONSTRUCTION SERVICES, LLC is requesting variances for property located in Land Lots 1215 & 1234, District 16, Parcels 0600 & 0580, 2nd Section of Cobb County, Marietta, Georgia and being known as 27 North Fairground Street and 546 Washington Avenue. Ward 5A.

1. Variance to eliminate the 10' planted border along Rock Street. [*§712.08 G.2.a*]
2. Variance to reduce the setback on Rock Street from 40' to 1'. [*§708.16 H.*]
3. Variance to reduce the southern side setback for the new building from 15' to 3'. [*§708.16 H*]
4. Variance to reduce the northern side setback for the new building from 15' to 3'. [*§708.16 H*]
5. Variance to increase the impervious surface from 96% to 98%. [*§708.16 H*]

Public Hearing (All parties are sworn in)

20200154 North Fairground Street Sidewalk Access

Motion authorizing the signing of an indemnification and release agreement by the property owner, compensation of \$1800.00 from the property owner for the removal of the 6-foot section of decorative wall to be returned to the applicable Special Local Option Sales Tax (SPLOST) account, return the remaining area of decorative wall to its current condition, and authorization of the installation of the side door and access directly onto the sidewalk at 27 North Fairground Street.

Public Hearing Required

*** 20200385 Outdoor Cafes-Proposed Changes (COVID-19)**

Motion to approve the ordinance for the proposed rate of \$1 per square foot for outdoor cafes, through August 31, 2020.

Included in this Ordinance is the required waiver set forth in 1-4-040 (L) whereby the City Council gives its unanimous consent to authorize the adoption of this Resolution at this City Council meeting without the necessity of placing this matter on the following regular City Council meeting. (This waiver requires the unanimous consent of the City Council).

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

*** 20200416 Marietta Square Parking**

Motion to authorize staff to reserve one additional temporary 15-minute parking space in the downtown area for merchant/restaurant pick up or dine out.

Councilmember Goldstein discloses that he, members of his family and/or entities owned by him and/or members of his family own property in downtown Marietta.

*** 20200415 AT&T**

Motion to authorize the Marietta City Attorney to take appropriate action to require AT&T to install its utilities along Powder Springs Street underground in compliance with Marietta's Underground Utility Ordinance. The City Attorney is further authorized to take any action deemed necessary or appropriate in this matter.

*** 20200304 BLW Actions of May 11, 2020**

Review and approval of the May 11, 2020 actions and minutes of Marietta Board of Lights and Water.

UNSCHEDULED APPEARANCES:

Each speaker is allotted five (5) minutes.

ADJOURNMENT: